

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

TRAVELERS CASUALTY AND SURETY  
COMPANY OF AMERICA,

Plaintiff,

vs.

Case No.: 8-CV-50008

YOUNG CONSTRUCTION & PAVING, LLC;  
KAREN B. YOUNG; GORDON T. YOUNG;  
JEFFREY D. YOUNG; MONICA L. YOUNG;  
JOSEPH WELLS; TERRI WELLS; LUKE D.  
VANDER BLEEK; and JOAN L. VANDER  
BLEEK,

Defendants.

JOSEPH WELLS; TERRI WELLS; LIKE D.  
VANDER BLEEK; and JOAN L. VANDER  
BLEEK,

Counter-Plaintiffs / Third-Party  
Plaintiffs,

vs.

TRAVELERS CASUALTY AND SURETY  
COMPANY OF AMERICA,

Counter-Defendants,

and

TRISSEL, GRAHAM AND TOOLE, INC.; a  
corporation, DANIEL CURRAN, AND ROGER  
A. COLMARK,

Third-Party Defendants.

**PLAINTIFF'S RULE 26(a) DISCLOSURES**

Now comes Travelers Casualty and Surety Company of America ("Travelers"), by its attorneys, John E. Sebastian, James Allen, and Albert L. Chollet of HINSHAW & CULBERTSON LLP, and for its Rule 26(a) Disclosures, states as follows:

Rule 26(a)(1) Disclosure.

**A. Witnesses.**

1. Kimberly D. Zanotta, Travelers: c/o John Sebastian, Hinshaw & Culbertson LLP, 222 N. LaSalle Street, Suite 300, Chicago, Illinois 60601, telephone (312) 704-3000.
2. Russell Warner, Travelers: c/o John Sebastian, Hinshaw & Culbertson LLP, 222 N. LaSalle Street, Suite 300, Chicago, Illinois 60601, telephone (312) 704-3000.
3. Timothy G. Snyder, Travelers: c/o John Sebastian, Hinshaw & Culbertson LLP, 222 N. LaSalle Street, Suite 300, Chicago, Illinois 60601, telephone (312) 704-3000.
4. Lynn Cracraft, Travelers: c/o John Sebastian, Hinshaw & Culbertson LLP, 222 N. LaSalle Street, Suite 300, Chicago, Illinois 60601, telephone (312) 704-3000.
5. Dan Curran.
6. Gordon T. Young.
7. Jeffrey D. Young.
8. Monica L. Young.
9. Karen B. Young.
10. Joseph Wells.
11. Terri Wells.
12. Luke D. Vander Bleek.
13. Joan L. Vander Bleek.
14. Roger Colmark.

The above witnesses have knowledge regarding the issuance of the surety bonds, claims against the surety bonds, Travelers' damages, and the indemnity agreement executed by Defendants.

**B. Document Disclosure.**

1. The General Agreement of Indemnity, attached as Exhibit “A” to Travelers’ Amended Complaint.
2. The Surety Bonds by Travelers on behalf of Young Construction & Paving LLC (“Young”).
3. Documents relating to claims against the Surety Bonds.
4. Correspondence from Trissel, Graham and Toole, Inc. to Travelers.

**C. Damages.**

Travelers’ damages include payments to surety bond claimants totalling \$1,799,999.00 plus expenses and fees which continue to accrue. Travelers’ payments to surety bond claimants are itemized as follows:

	<b>Indemnity</b>	<b>Expense</b>	<b>Totals</b>
<b>Reserves:</b>	\$1,672,999.00	\$127,000.00	\$1,799,999.00
<b>Pending:</b>	\$0.00	\$0.00	\$0.00
<b>Gross Paid to Date:</b>	\$1,451,836.22	\$52,299.60	\$1,504,135.82
<b>Misc. Credit:</b>	\$181,000.00	\$0.00	\$181,000.00
<b>Net Paid to Date:</b>	\$1,270,836.22	\$52,299.60	\$1,323,135.82
<b>Unexpended:</b>	\$402,162.78	\$74,700.40	\$476,863.18
<b>Salvage to Date:</b>	\$0.00	\$0.00	\$0.00

See list of payments and releases, attached hereto as Exhibit 1.

**D. Disclosure of Experts.**

Travelers has not determined what experts it will retain to testify at trial. Travelers will timely disclose such information pursuant to the Case Management Order.

Respectfully submitted,

**TRAVELERS CASUALTY AND SURETY  
COMPANY OF AMERICA**

By: /s/ Albert L. Chollet, III

One of its Attorneys

James M. Allen  
Hinshaw & Culbertson LLP  
100 Park Avenue, P.O. Box 1389  
Rockford, IL 61105  
Telephone: 815-490-4900  
Facsimile: 815-490-4901  
[jallen@hinshawlaw.com](mailto:jallen@hinshawlaw.com)

John E. Sebastian  
Albert L. Chollet III  
Hinshaw & Culbertson LLP  
222 N. LaSalle, Suite 300  
Chicago, IL 60601  
Telephone: 312-704-3000  
Facsimile: 312-704-3001  
[jsebastian@hinshawlaw.com](mailto:jsebastian@hinshawlaw.com)  
[achollet@hinshawlaw.com](mailto:achollet@hinshawlaw.com)

**CERTIFICATE OF SERVICE**

The undersigned certifies and says that he caused a copy of the above and foregoing **Rule 26 Disclosures** to be served to:

Robert A. Frederickson  
Reno & Zahm LLP  
2902 McFarland Road, Suite 400  
Rockford, Illinois 61107  
Fax No. 815-987-4050

Mr. Roger Colmark  
210 E. 3<sup>rd</sup> Street  
Sterling, Illinois 61081  
Fax No. 815-626-9268

Atty. Anthony J. Tunney  
Hepler, Broom, MacDonald, Hebrank, True &  
Noce, LLC  
150 N. Wacker Dr., Suite 3100  
Chicago, Illinois 60606  
Fax No. 312-230-9201

Atty. Steven Balsley  
Barrick, Switzer, Long, Balsley & Van Evera  
6833 Stalter Drive  
Rockford, Illinois 61108  
Fax No. 815-962-0687

on this 25<sup>th</sup> day of July, 2008.

/s/ Albert L. Chollet, III

Albert L. Chollet, III